



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 01860-00
17 July 2000

MR [REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 12 May 2000, a copy of which is attached. The Board also considered your letter dated 12 June 2000 with attachments.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

01860-00

5420
PERS-86
12 May 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF
L. [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 01860-00 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that former Lieutenant [REDACTED] petition be denied.
2. Former Lieutenant [REDACTED] requests promotion to the grade of Lieutenant Commander with a date of rank of 1 January 1952 on the basis that the original notification of promotion was lost.
3. Former Lieutenant [REDACTED] was properly considered by the FY-52 Naval Reserve Lieutenant Commander Promotion Selection Board and was recommended for promotion. On 2 October 1952 a temporary appointment expiring on 19 August 1953 was prepared and delivered. A second letter advising of the necessity for timely action was sent on 22 October 1952. Former Lieutenant [REDACTED] provided copies of both letters. Former Lieutenant [REDACTED] claims that the material was lost and that he did not discover it until the death of his wife in 1996.
4. There is no current provision for promotion of an officer after the temporary appointment expires. Lieutenant [REDACTED] was properly afforded the opportunity to accept the promotion in a timely fashion. A careful review of Lieutenant [REDACTED] service record reveals that he was a diligent officer familiar with the Navy's administrative processes and promotion system. While there is no indication that Lieutenant [REDACTED] himself in fact received the notifications, he did not complete the requirements for permanent appointment, and therefore was never fully qualified prior to the expiration of the temporary appointment. Coincidentally, he terminated his participation in reserve programs in 1953, and was discharged in 1961. Accordingly, we find no basis for recommending relief.

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF
LT [REDACTED] USNR, [REDACTED]

5. Former Lieutenant [REDACTED] service to his country was exceptional. He can be justifiably proud of his record and years of contributions. This negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division